

The Gazette of India



EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 9] NEW DELHI, MONDAY, JANUARY 18, 1954

MINISTRY OF LAW

New Delhi, the 18th January, 1954

THE DISPLACED PERSONS (CLAIMS) SUPPLEMENTARY ORDINANCE, 1954

No. 3 OF 1954

An Ordinance to provide for the disposal of certain proceedings pending under the Displaced Persons (Claims) Act, 1950, and for matters connected therewith.

WHEREAS a Bill to provide for the continuance of certain proceedings pending under the Displaced Persons (Claims) Act, 1950, and for matters connected therewith has been introduced in Parliament but has not yet been passed;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Displaced Persons (Claims) Supplementary Ordinance, 1954.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. **Definitions.**—In this Ordinance, unless the context otherwise requires,—

(a) "appointed day" means the 17th day of May, 1953,

(b) "claim" means—

(i) any claim registered under the principal Act and pending on the appointed day; or

(ii) any claim submitted to any authority under the principal Act by any person migrating to India from any tribal area and pending on the appointed day;

and includes any application filed on or before the 12th December, 1952 for setting aside an *ex parte* order of a Claims Officer passed under the principal Act and pending on the appointed day, if the application was not, on the date on which it was filed, barred by limitation under the rules made under the principal Act;

(c) "prescribed" means prescribed by rules made under this Ordinance;

(d) "principal Act" means the Displaced Persons (Claims) Act, 1950 (XLIV of 1950);

(e) "tribal areas" means the tribal areas of Tochi and Kurram and includes such other tribal areas adjoining the North-West Frontier Province as may be specified in this behalf by an order of the Central Government;

(f) "verified claim" means any claim registered under the principal Act in respect of which a final order has been passed under that Act;

(g) all words and expressions used but not defined in this Ordinance and defined in the principal Act shall have the meanings assigned to them in that Act.

3. Appointment of Chief Settlement Commissioner, etc.—(1) The Central Government may, by notification in the Official Gazette, appoint a Chief Settlement Commissioner, a Joint Chief Settlement Commissioner, a Deputy Chief Settlement Commissioner and as many Settlement Commissioners, Additional Settlement Commissioners and Settlement Officers as may be necessary for the purpose of performing functions assigned to them by or under this Ordinance and may, by general or special order, provide for the distribution or allocation of work to be performed by them under this Ordinance.

(2) Subject to the provisions of this Ordinance, the Joint Chief Settlement Commissioner, the Deputy Chief Settlement Commissioner and all Settlement Commissioners, Additional Settlement Commissioners and Settlement Officers shall perform the functions assigned to them by or under this Ordinance under the general superintendence and control of the Chief Settlement Commissioner.

4. Verification of claims.—(1) Subject to any rules that may be made under this Ordinance, a Settlement Officer shall have jurisdiction to decide such claims or such classes of claims as may, by general or special order, be transferred to him by the Chief Settlement Commissioner.

(2) A Settlement Officer shall hold a summary inquiry into the claims transferred to him and, after taking such evidence and examining such documents, as he may consider necessary, pass such orders as he thinks fit in relation to the verification of the claim and the valuation of such claim.

(3) The decision of the Settlement Officer shall be final:

Provided that the Chief Settlement Commissioner may call for the record of any case which has been decided by the Settlement Officer and may make such order in the case as he thinks fit; but no order varying the decision of the Settlement Officer which prejudicially affects any person shall be made without giving him an opportunity of being heard.

5. Special power of revision in respect of cases decided under Act XLIV of 1950.—(1) Notwithstanding anything contained in the principal Act, the Chief Settlement Commissioner—

(a) may, on an application for revision made to him within time by any person aggrieved by the decision of the Claims Officer, call for the record of the case and make such order in the case as he thinks fit.

Explanation.—For the purposes of this clause, an application for revision shall be deemed to be or to have been made within time, if—

(i) such application was not barred by limitation on the appointed day under the rules made under the principal Act and is filed within one month from the commencement of this Ordinance; or

(ii) such application had been filed before the appointed day and was not, on the date on which it was filed, barred by limitation under the rules made under the principal Act;

(b) may, on his own motion, but subject to any rules that may be made in this behalf, revise any verified claim and make such order in relation thereto as he thinks fit.

(2) No order varying the decision of the Claims Officer or revising any verified claim which prejudicially affects any person shall be made without giving the person concerned an opportunity of being heard.

6. Powers of Settlement Officers.—(1) The Chief Settlement Commissioner, the Joint or Deputy Chief Settlement Commissioner or a Settlement Commissioner, an Additional Settlement Commissioner or a Settlement Officer shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) requisitioning any public record from any court or office;

(d) issuing commissions for the examination of witnesses;

(e) appointing guardians or next friends of persons who are minors or of unsound mind;

(f) any other matter which may be prescribed.

(2) A Settlement Officer may, if he so thinks fit, and shall, if so required by the Chief Settlement Commissioner, appoint one or more persons as assessors to advise him in any proceeding before him.

7. Power to transfer cases.—The Central Government or the Chief Settlement Commissioner may, by order in writing, at any stage transfer any case pending before a Settlement Officer to another Settlement Officer and the Settlement Officer to whom the case is so transferred, may, subject to any special directions in the order of transfer, proceed from the stage at which it was transferred.

8. Certain officers to be public servants.—The Chief Settlement Commissioner, the Joint or Deputy Chief Settlement Commissioner and all Settlement Commissioners, Additional Settlement Commissioners and Settlement Officers appointed under this Ordinance shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

9. Bar of jurisdiction of civil court.—No civil court shall have jurisdiction in respect of any matter which the Chief Settlement Commissioner or the Settlement Officer is empowered by or under this Ordinance to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Ordinance.

10. Delegation of powers.—(1) The Central Government may, by general or special order, direct that any power exercisable by it under this Ordinance shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chief Settlement Commissioner.

(2) Subject to the provisions of this Ordinance and the rules made thereunder, the Chief Settlement Commissioner may delegate all or any of his powers under this Ordinance to the Joint or Deputy Chief Settlement Commissioner or any Settlement Commissioner or Additional Settlement Commissioner as may be specified by the Chief Settlement Commissioner.

11. Validation of certain proceedings.—All proceedings held or decisions made in relation to the verification of any claim or the valuation of such claim of any person who has migrated to India from any tribal area purporting to have been held or made under the principal Act shall, notwithstanding anything therein contained, be deemed for all purposes to have been validly made under the principal Act as if that Act were applicable to such persons as it applied to displaced persons from West Pakistan.

12. Power to make rules.—The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Ordinance.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.